

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Christopher P. Bergh et al. Art Unit : 3623
Serial No. : 09/575,283 Examiner : Johnna Ronee Loftis
Filed : May 22, 2000 Conf. No. : 1521
Title : CUSTOMER LEAD MANAGEMENT SYSTEM

Mail Stop Appeal Brief - Patents

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REPLY BRIEF

Pursuant to 37 C.F.R. § 41.41, Applicant responds to the Examiner's Answer as follows:

I. Rejections of claims 29-51

Claim 29 calls for...configuring a lead processing system comprising a networked computer system accepting a specification of a plurality of rules for determining at least one action of the lead processing system with respect to the users, ... the plurality of rules includes global rules and user specific rules; accepting at least one customer lead; routing the at least one customer lead ... in accordance with the rules, ... receiving, from at least one of the plurality of secondary lead management servers, feedback ... the feedback indicating whether the lead should be accepted, rejected or forwarded to another one of the plurality of users; re-routing the at least one customer lead, based on the plurality of rules and the received feedback ... to the another one of the users; and tracking and reporting ... of the at least one customer lead through the lead ... system. Claim 39 calls for similar features.

The examiner in "Response to Argument" states:

Appellant's first argument is directed to whether Anderson teaches a plurality of rules that include global rules and user specific rules. Examiner points to column 7 of Anderson wherein it is taught that a set of scores are computed using rule induction. Based on the scoring, the lead is routed. Once the lead is routed a second step occurs wherein a specific set of rules are implemented to further route the lead to an agent. This citation at column 7 of Anderson clarifies the rejection made by Examiner. While the rules may not be labeled as "global" and "user specific", these are simply labels that are not given weight. Since the first rules of Anderson are "global" in that all leads are

CERTIFICATE OF MAILING BY EFS-WEB FILING

I hereby certify that this paper was filed with the Patent and Trademark Office using the EFS-WEB system on this date: August 11, 2010

subject to them and the second set of rules are, in a sense, "user specific" since they are specifying which customers are routed to which agents, Examiner upholds prior rejections based on Anderson.¹

In response, Appellant stands by the argument presented in the Appeal Brief that Anderson fails to disclose elements of the claims. Appellant further contends that the analysis presented in the Examiner's Answer is improper because it fails to consider all elements of the claims in construing the claim terms "global rules" and "user specific rules." As used in the claims and specification, these terms are not mere labels but are features that affect the processing recited in the claims.

Claim 29 calls for "accepting ... rules for determining at least one action of the lead processing system with respect to the users, with the ... rules including rules based on attributes of user relationships, ... the ... rules including[es] global rules and user specific rules." The examiner's statement that: "[w]hile the rules may not be labeled as 'global' and 'user specific', (these are simply labels that are not given weight)" is a clear error of interpretation, because the claim explicitly requires "accepting ... rules for determining at least one action of the lead processing system with respect to the users." The terms are not merely labels.

It is unreasonable of the examiner not to consider that the "global rules" and "user specific rules" refer to two categories of rules that are involved with the lead processing system. As noted in the Appeal Brief on page 10, Anderson merely describes computing a relationship between a product and a set of customers *before* a user of the system is involved. Anderson does not teach that the so called rules are in any relation to "accepting ... rules for determining at least one action of the lead processing system with respect to the users."

The examiner in "Response to Argument" states:

Next, Appellants argue Griggs does not teach receiving feedback from at least one of the users, the feedback indicating whether the lead should be accepted, rejected or forwarded. In the cited portion of Griggs, page 3, paragraph 14, Griggs teaches a prospect is deemed hot or warm and a lead card is sent to the field. Examiner construes this as a lead being accepted based on feedback. In addition cold listings are sent to salespeople (forwarded) and some choose to follow up (indicating some are rejected).

¹ Examiner's Answer, page 11.

Based on this teaching in Griggs, Examiner stands behind the rejections made in view of Griggs.²

In response, Appellant stands by the argument presented in the Appeal Brief that Griggs fails to disclose "receiving...the feedback indicating whether the lead should be accepted, rejected or forwarded to another one of the plurality of users." Appellant further contends that the analysis presented in the Examiner's Answer is improper because it fails to consider all elements of the claims.

The examiner's statement that "some choose to follow up (indicating some are rejected)" does not address the claim limitation of "receiving, from at least one of the plurality of secondary lead management servers, feedback from at least one of the users." The claimed feature is not simply "a lead being accepted based on feedback..." as the examiner argues.

Further, as argued in the Appeal Brief on page 11, there is nothing about a system where all of the leads are rated and sent to salespeople can be taken to be equivalent to receiving from at least one of the plurality of secondary lead management servers feedback "indicating whether the lead should be accepted, rejected or forwarded to another one of the plurality of users," as required by the claim.

The examiner in "Response to Argument" states:

An argument is also made that Griggs does not teach re-routing the lead based on rules and feedback. Examiner construes the methodology of Griggs to include re-routing of leads based on the rules and feedback. On page 3, paragraph 14, cold leads are sent to sales people which would be re-routed to the field once the lead becomes hot or warm.³

Appellant stands by the argument presented in the Appeal Brief that Griggs fails to disclose "re-routing the at least one customer lead, based on the plurality of rules and the received feedback from the at least one of the plurality of users to the another one of the users." Further, Appellant contends that there is no support for the examiner's statement that Griggs discloses "cold leads ...which would be re-routed to the field once the lead becomes hot or warm." In

² Examiner's Answer, page 11.

³ Examiner's Answer, page 11.

particular, Griggs does not describe re-routing leads. Griggs, page 3, paragraph 14 is reproduced below:

Working with Adtrack Cedar Rapids, Iowa, firm that specializes in developing leads for business-to-business sales, Hitch set up an overall ranking matrix that rates leads as hot, warm, or cold based on questions such as whether the prospect has a current project that includes Belden's product line, whether that project is scheduled within the next six months, and whether the prospect currently purchases wire and cable. If the prospect is deemed hot or warm based on these answers, a lead card detailing the inquiry's history is sent to the field. Monthly listings of cold leads also are sent to salespeople, and some choose to follow up on those as well.

Griggs merely describes salespeople who receive a cold lead and may choose to follow up on that lead. Following up by a salesperson however neither describes nor suggests nor is equivalent to "re-routing the at least one customer lead, based on the plurality of rules and the received feedback from the at least one of the plurality of users to the another one of the users."

The examiner in "Response to Argument" states:

Regarding Appellant's challenge to Examiner's taking of Official Notice, Examiner points out that the rejections citing Official Notice were first issued November 18, 2008, with no subsequent proper challenge by Appellant. These limitation under Official Notice are taken as admitted prior art, since the Appellant was given ample opportunity to make a challenge. The failure of challenge by Appellant deems the Examiner's finding conclusive. *In re Ahlert*, 424, F2d, 1088, 1091, 165 USPQ 418, 421 (CCPA 1970).⁴

Appellant contends that the examiner has made a factual error because the rejection citing Official Notice was not made in the Non-Final Office Action of November 18, 2008. The examiner has not, even at this point in the proceedings, pointed out for the benefit of Appellant and the Board on which page of the November action the official notice was allegedly raised.

Appellant contends that official notice was first raised in the Final Office Action of July 9, 2009, which is presently under appeal. The challenge is therefore timely and the examiner's assertions are incorrect.

⁴ Examiner's Answer, page 12.

Moreover, should the examiner argue that some portion of the reasoning in the action of November 18, 2009 amounted to "official notice" it would then be Appellant's contention that the examiner raised "official notice" improperly and did not give Appellant any opportunity to challenge.

Claims 32-34 and 42-44

Claim 32 calls for...rules comprising attachment rules for determining additional information to be attached to the leads prior to further routing of the lead.

The examiner in "Response to Argument" states:

Appellant's next argument is directed to whether Anderson teaches rules that comprise attachment rules for determining additional information to be attached to leads prior to further routing of the lead. Appellant expands this argument stating Anderson does not teach attaching additional information to a lead as it is routed through the system. Anderson (see column 8, lines 37-67 and column 9, lines 1-5) teaches while the customer lead information is being processed in the routing system, some information is withheld to increase output density and to prevent superfluous information from being output. When the lead is routed to the appropriate user, the additional customer lead information, previously withheld, is available. Examiner equates this to attaching additional information to the lead as it is routed through the system since during processing and filtering some information is not available, but once the lead is routed further through the system, more information is made available to users. Examiner upholds prior rejections in view of Anderson.⁵

In response, Appellant stands by the argument presented in the Appeal Brief that Anderson fails to disclose elements of the claims. Appellant further contends that the argument presented in the Examiner's Answer is illogical in view of the claim limitations.

Anderson describes withholding information and then making available the previously withheld information. Anderson never describes determining additional information to be attached to a lead. As argued in the Appeal Brief on page 16, informational already associated with a lead cannot be said to be additional information determined to be attached to a lead prior to further routing of the lead.

⁵ Examiner's Answer, page 12.

Claims 37-38 and 47-48

Claim 37 calls for...tracking and reporting an advancement of the at least one customer lead includes generating at least one performance report comprising a metric of a performance of at least one of (i) a source of the leads, and (ii) at least one of the users.

The examiner in "Response to Argument" states:

The final argument states Griggs does not teach tracking and reporting an advancement of at least one customer lead includes generating a performance report comprising a metric of performance of at least one of a source of the leads, and at least one of the users. Examiner points out that since Griggs teaches (page 3, paragraph 15) a performance metric that states "salespeople now contact 91.5 percent of leads they are given". Appellant states that since this portion of Griggs does not teach the performance of any particular user, Griggs does not teach this feature. Examiner would like to point out that the claim language states "at least one of the users". Therefore Griggs' teaching of an aggregate performance metric reads on this "at least one of" language included in the claim. Previous rejections in view of Griggs are upheld.⁶

In response, Appellant stands by the argument presented in the Appeal Brief that Anderson fails to disclose these elements of the claims, including that nothing about the percentage of leads contacted says anything about the performance of the source of any of the leads, as called for by the claims. Further, Appellant contends that the analysis presented in the Examiner's Answer is improper because it fails to consider all elements of the claims.

The examiner asserts that Griggs "teaches...a performance metric that states 'salespeople now contact 91.5 percent of leads they are given'." However, the claim requires that "generating at least one performance report comprising a metric of a performance" is included in the step of "tracking and reporting an advancement of the at least one customer lead." Griggs does not teach that tracking and reporting the advancement of a customer lead includes generating a performance report. On the contrary, Griggs merely includes a single point of data without indicating how it was generated or the relationship between the point of data and tracking or reporting the advancement of a lead.

For these reasons, and the reasons stated in the Appeal Brief, Applicant submits that the final rejection should be reversed.

⁶ Examiner's Answer, pages 12-13.

Applicant : Christopher P. Bergh et al.
Serial No. : 09/575,283
Filed : May 22, 2000
Page : 7

Attorney's Docket No. 10235-0047001

Please apply any charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

Date: August 11, 2010

/Denis G. Maloney/
Denis G. Maloney
Reg. No. 29,670

Customer Number 26161
Fish & Richardson P.C.
Telephone: (617) 542-5070
Facsimile: (877) 769-7945

22472235.doc